

## 1. Applicant Information

**Request:** Consideration as an early action: *Request the Department of Water Resources (DWR) to identify near-term levee improvements in the Delta essential to the state's water supply and that can be funded by currently authorized bond revenue.*

Consultation re plan: *N.A*

Consultation re: possible covered action: *N.A.*

Other (please specify): *N.A*

**Applicant Name:** *Steven L. Goetz*

Legal status (city, special district, firm, individual, etc.): *County of Contra Costa*

Address of applicant: *Department of Conservation and Development, 651 Pine Street, 4<sup>th</sup> Floor, North Wing, Martinez, CA 94553*

Contact information: Name of responsible individual: *Steven L. Goetz*

Role (officer, attorney, etc.): *Deputy Director of Conservation and Transportation Planning Programs.*

Address: *Same as above.*

Email: *steven.goetz@dcd.cccounty.us*

Telephone: *925-335-1240*

**Legally Responsible Entity Name (if different than Applicant):** *Delta Stewardship Council*

**Legal Status** (city, special district, firm, individual, etc.): *State Agency*

Address of applicant: *650 Capitol Mall, Fifth Floor, Sacramento, CA*

Contact information: Name of responsible individual: *Phil Isenberg*

Role (officer, attorney, etc.): *Chair*

Address: *Same as above*

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

### **Plan or project purpose narrative, including legal authority. If an action is "urgent," provide the rationale for urgency.**

*The Interim Plan identifies an early action for potential consideration in October: "Manage levees and land uses to reduce flood risk and preserve options for flood plain function". Responsible agencies identified include DWR, reclamation districts, Delta counties and cities and other state agencies with funding or permit authority. Based on the description of this early action, it does not appear to include identification of near-term levee improvements in the Delta essential to the state's water supply and that can be funded by currently authorized bond revenue.*

*The Delta Reform Act of 2009 requires the Council to include recommendations for strategic levee investments in the Delta Plan (§85305.a.) and to recommend priorities for state investments in levee operation, maintenance and improvements in the Delta (§85306). The Interim Plan indicates that classification system for levees currently used in discussion of Delta levee policies does not include a levee classification specific to those levees playing a role in water supply (page 45). Senate Bill x7-8 authorizes DWR to spend \$202 million for flood protection projects in the Delta to reduce the risk of levee failures that would jeopardize water conveyance.*

*Now is the time to include in the discussion of Delta levee policies the Delta levees that play a role in maintaining Delta water quality and conveying surplus water to the South Delta for export, The western Delta islands and other central Delta islands are in strategic geographic locations and protect the state's water supply. Their location, size and shape prevent salinity intrusion, protect the Mokelumne Aqueduct and afford Contra Costa Water District, State Water Project and Central Valley Project access to relatively fresh water. These non-urban islands are preserved by local reclamation districts. Failure of*

*the levees would not only affect the farms, roads, railroads, and pipelines located on these islands, but also the water supply reliability and water quality for over 23 million Californians. It will be many years before an isolated conveyance facility could begin operation so securing the existing configuration of these islands needs to be a top levee investment. A specific approach to protecting these islands needs to be developed that acknowledges services and values they support.*

*In June 2010, DWR reported to the Council that its levee evaluation program is evaluating all levees in the Delta. On August 3, 2010, the U.S. Army Corps of Engineers submitted comments on the Interim Plan that described progress in federal investments in the Delta through the Delta Islands and Levees Feasibility Study ("which may investigate related issues such as water quality and water supply") and the CALFED Levee Stability Program which is to provide short term "quick fixes" on fragile Delta levees. It would be timely to request DWR report on the investment needs for Delta levees that are critical for maintaining adequate water quality and in conveying surplus water through the Delta for export.*

*Addressing this early action after the Delta Plan is adopted is not advisable. The urgency for actions to reduce the risk of levee failure is covered in the Interim Plan. The Delta Plan will need well-supported recommendations for priorities for state investments in Delta levees so the Council should ensure that adequate progress is being made on developing information on the needs of Delta levees.*

**Plan or project physical location and description (include geo-referencing latitude and longitude for projects):**

*Levees in the legal Delta.*

## **2. Plan or Project Review by Public Agencies**

*This section does not apply to this early action. No Public Agency is required to review this early action recommendation other than the Delta Stewardship Council and the Department of Water Resources, neither of which are listed below.*

**Local Government Discretionary Approval(s):**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, describe:

**Delta Protection Commission Consistency Approval(s):**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, describe:

**Bay Conservation and Development Commission Permit:**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, describe:

**State Lands Commission:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**CalTrans:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**State Water Resources Control Board Permit:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Regional Water Quality Control Board:**

Yes \_\_\_\_\_ No \_\_\_\_\_ Regional Board Number: \_\_\_\_\_

**California Dept. of Toxic Substances Control:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**California Department of Fish and Game Streambed Alteration Permit:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**DF&G Take Authorization:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Other DF&G Permit:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**U.S. Army Corps of Engineers:**

Yes \_\_\_\_\_ No \_\_\_\_\_ Public Notice Number: \_\_\_\_\_

**U.S. Fish and Wildlife Service: Take Authorization**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Biological Opinion:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**NOAA Fisheries Service: Take Authorization**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Biological Opinion**

Yes \_\_\_\_\_ No \_\_\_\_\_

**U.S. Coast Guard:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Federal Funding:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Describe any history of consideration by any other governmental agency and provide documentation of any actions taken.**

N.A.

### **3. Environmental Impact Documentation (must be completed by all applicants)**

**a.** Is the project statutorily or categorically exempt from the need to prepare any environmental documentation?

Yes \_\_\_\_\_ No \_\_\_\_\_ NOT APPLICABLE

If "Yes," please attach a statement that identifies and supports this statutory or categorical exemption. *Identification of near term improvements to Delta levees essential to the state's water supply is not a project as defined by the California Environmental Quality Act. Any recommendations of priorities for Delta levee investments would be part of the Delta Plan which will be subject to environmental review.*

**b.** Has a government agency other than the Council, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project?

Yes \_\_\_\_\_ No \_\_\_\_\_ NOT APPLICABLE

If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow the Council to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the application.

*Identification of near term improvements to Delta levees essential to the state's water supply is not a project as defined by the California Environmental Quality Act. Any recommendations of priorities for Delta levee investments would be part of the Delta Plan which will be subject to environmental review.*

### **4. Assessment against Delta Reform Act Policy Objectives**

Assess the proposed plan or project against the eight policy objectives listed below which "the

legislature declares are inherent in the coequal goals for management of the Delta" (WC Section 85020). Provide a brief summary for the rationale for each assessment and reference to any supporting documentation (include URL links as appropriate).

**(a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable **X**

Rationale, magnitude of effect (if positive or negative) and documentation:

**(b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable **X**

Rationale, magnitude of effect (if positive or negative) and documentation:

**(c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable **X**

Rationale, magnitude of effect (if positive or negative) and documentation:

**(d) Promote statewide water conservation, water use efficiency, and sustainable water use.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable **X**

Rationale, magnitude of effect (if positive or negative) and documentation:

**(e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable **X**

Rationale, magnitude of effect (if positive or negative) and documentation:

**(f) Improve the water conveyance system and expand statewide water storage.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable **X**

Rationale, magnitude of effect (if positive or negative) and documentation:

**(g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.**

Positive **X** Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable \_\_\_\_\_

Rationale, magnitude of effect (if positive or negative) and documentation:

*Delta levee and channels play an important role in maintaining Delta water quality and conveying surplus water to the South Delta for export. The western Delta islands and other central Delta islands are in strategic geographic locations and protect the state's water supply. Their location, size and shape prevent salinity intrusion, protect the Mokelumne Aqueduct and afford Contra Costa Water District, State Water Project and Central Valley Project access to relatively fresh water. These non-urban islands are preserved by local reclamation districts. Failure of the levees would not only affect the farms, roads, railroads, and pipelines located on these islands, but also the water supply reliability and water quality for over 23 million Californians. It will be many years before an isolated conveyance facility could begin operation so securing the existing configuration of these islands needs to be a top levee investment. A specific approach to protecting these islands needs to be developed that acknowledges services and values they support.*

**(h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable **X**

Rationale, magnitude of effect (if positive or negative) and documentation:

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## **5. Assessment of Administration and Implementation Processes**

**Cost of Project/Plan:** Please provide your best estimate of the total cost of the project or plan you are proposing. If this is a Plan, please provide an estimate of the annual operational or enforcement costs projected for the activity. Please list all sources used for developing the cost estimates

*The cost of this early action involves:*

- *preparation of a report by DWR on the investment needs of Delta levees critical to water supply. In June, DWR reported that evaluations of Delta levees are underway. The results of this evaluation need to be integrated with information of the Delta levees and channels that function to maintain water of sufficient quality for use by agriculture and cities and to convey surplus water from the North Delta to the South Delta for export.*
- *Review of the DWR reports and other information generated by outside experts by the Council*
- *Review of written and oral testimony regarding the DWR report and any related reports; and*
- *adoption of recommendations for strategic levee investment in the Delta for inclusion in the Delta Plan by January 1, 2012.*

**Financing (provide information on public and private sources of funding, including funds on hand or legally pledged or obligated and the sources of those funds):**

*Activities of the Delta Stewardship Council and the DWR levee program are funded by state bond revenue. Reclamation District activities are funded by local revenue. Senate Bill x7-8 authorizes DWR to spend \$202 million for flood protection projects in the Delta to reduce the risk of levee failures that would jeopardize water conveyance. According to the U.S. Army Corp of Engineers, the CALFED Act (PL 108-361) directed the USACE to deliver a report that identified a prioritized potential levee stability projects in the Delta that could be carried out with the authorized \$90 million in Federal funds. An additional \$106 million was authorized to be appropriated by Section 3015 of Water Resource Development Act of 2007.*

**Identify any public agencies (federal, state and local) whose actions or decisions are essential for the proposed action to succeed. Provide evidence of their approval and support of the proposed action:**

*Recommendations for strategic levee investments in the Delta are a decision of the Delta Stewardship Council. The Council's support for making strategic levee investments in the Delta in a timely manner is documented in the Interim Plan.*

**If real property must be acquired or use altered for the success of the proposed action, identify the owners of that property and information on how ownership or use change will occur:**

*N.A.*

**Provide a time line for the proposed plan or project, including major milestones through completion:**

- *The Council requests DWR to report on the investment needs of Delta levees critical to water supply.*
- *The Council reviews the DWR report.*
- *The Council requests public comment and recommendations on the DWR report.*
- *The Council request DWR to respond to comments and recommendations.*
- *The Council consults with the Central Valley Flood Protection Board and other experts) on proposed state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and nonproject levees.*
- *The Council approves recommendations for strategic levee investments in the Delta for inclusion in the Delta Plan by January 1, 2012.*

**Describe how success or failure of the plan or project will be determined, including measures proposed, time frame and public agency responsible for judging success:**

*Success will be measured by the ability to complete levee upgrades so that there is no unacceptable risk to water quality and conveyance in the Delta. Failure will be measured by a levee failure that jeopardizes water quality or conveyance without the Council demonstrating that due diligence is being made in identifying investments to Delta levees that would reduce the risk of such an event to an acceptable level. The Council has the responsibility to judge the effectiveness of its actions.*

**Describe the major benefits that can result from the proposed plan or project, including identification of beneficiaries and any information on the magnitude and timing of benefits received:**

*Benefits include water supply reliability and water quality for over 23 million Californians. Protection of the farms, roads, railroads, and pipelines located on strategically located islands. It will be many years before an isolated conveyance facility could begin operation so securing the existing configuration of these islands needs to be a top state interest. A more specific example of potential benefits of this early action is provided by the May 12, 2010 comments letter on the Interim Plan submitted by the Natural Resource Defense Council. That letters refers to a proposal made in 2007 by various Delta stakeholders that DWR should undertake the preparation of a management plan for Sherman Island as an interim action. This island is owned by DWR and was identified by the Public Policy Institute of California as the most vulnerable island in the Delta. Specific benefits and opportunities for prudent investments are identified in that letter.*

**If the proposed plan or project fails, what is done? What additional costs could be incurred and how will they be financed? Identify any lasting effects or changed options for future policy making:**

*The potential water supply consequences of levee failure on strategic Delta islands are well established.*

## **6. Scientific justification (to address requirement for Council use of best available science, Water Code section 85302(g)):**

**Describe any Attach description of scientific justification for the proposed plan or project and provide all related documents any pertinent documents. Address the criteria identified in Section 3 when preparing the scientific justification. Provide complete list of all scientific references cited:**

*N. A.*

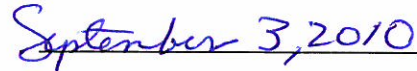


## 7. Applicant certifications and authorizations

I certify that all of the information submitted is complete and accurate to the best of my knowledge and that all attached exhibits are full, complete and correct. I certify that I understand that omitted or insufficient information can delay consideration of this application. I certify that this application is not complete until accepted by the Council at a regularly scheduled meeting. I authorize the Council, its staff or other authorized personnel to share this information publicly and authorize their collection of additional information relevant to this application.



Signature of applicant or applicant's representative



Printed name: *Steven L. Goetz* Title: *Deputy Director of Conservation and Transportation Planning Programs, Contra Costa County Department of Conservation and Development.*